

Service Date: November 3, 1978

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

FINDINGS AND FINAL ORDER NO. 4463

In the Matter of the Application of )  
MOUNTAIN STATES TELEPHONE AND )  
TELEGRAPH COMPANY, for Approval of )  
Tariffs for Services Outside the )  
Base Rate Area Under a Program to )  
be Known as the "Rural Improvement )  
Program" (RIP). )

DOCKET NO. 6570  
ORDER NO. 4463

HELD: Motions for bifurcated hearing, for continuance of  
Applicant's presentation, and for leave to file amended application and supplemental  
pre-filed testimony - GRANTED.

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By consolidated motions filed October 12, 1978, Applicant Mountain States  
Telephone and Telegraph Company (hereinafter Applicant, or Mountain Bell) moves this  
Commission for an order granting a bifurcated hearing in the above-captioned matter; for  
continuation of the hearing with respect to Applicant's presentation; and for supplemental  
pre-filed testimony. Applicant essentially contends that the Commission decision in  
Mountain Bell's general rate case, issued October 2, 1978 (Docket No. 6496, Order No.  
4389d) will impact Applicants providing of service to subscribers outside the rate base  
areas in Montana.

The Commission is unable to determine the merits, if any, of this contention. Order  
No. 4389d was issued October 2, 1978, yet the motion for the bifurcated hearing was not  
filed until October 12, 1978, four days prior to the scheduled R.I.P. hearing. It would appear  
that Applicant had sufficient time to detail in its motion some of the alleged adverse effects  
that the October 2 Order would have.

Deference is generally awarded an Applicant in matters of requested continuances, especially in cases which would result, if granted, in revenue increases for the Applicant. A delay under such circumstances usually harms the Applicant, but few others. The Commission does not look favorably, however, on such motions when filed at such a late date. Notice of the October 16, 1978 hearing was widely circulated through television, radio and newspaper coverage. Applicant's subscribers were notified by bill stuffers. The hearing was opened on October 16 to receive any public testimony on rural improvement of telephone service and Applicant's motion was taken under advisement at that time.

The Commission chooses to grant the Applicant's motion in order to expedite hearing the various alternatives on improvements in rural telephone service, a highly desirable goal. A denial of the motion and a dismissal of the application would only delay hearing the alternatives.

The Commission, therefore, grants Applicant's request for a bifurcated hearing, said hearing to be continued to a time and place to be set by the Commission. The Commission contemplates establishment of a new procedural format to be followed in the R.I.P. All parties will be notified of the new format when the Commission takes such action.

### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its office at 1227 Eleventh Avenue, Helena, Montana on the 18th day of October, 1978, there being a quorum of Commissioners present, there regularly came before the Commission the Motion of Applicant Mountain States Telephone and Telegraph Company in Docket No. 6570 and the Commission orders that the Motion for a bifurcated hearing be GRANTED, for reasons stated above.

IT IS FURTHER ORDERED that the hearing in Docket No. 6570 shall be continued to a time and place which will be subsequently set by the Commission.

IT IS FURTHER ORDERED that Applicant will be allowed to amend its application, the date due for such amendment to be subsequently set by the Commission. Parties will be allowed discovery and rebuttal with respect to the proposed amendment to Docket No. 6570.

DONE IN OPEN SESSION by a vote of 5 - 0 on October 18, 1978.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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GORDON E. BOLLINGER , Chairman

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P. J. GILFEATHER, Commissioner

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THOMAS J. SCHNEIDER, Commissioner

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JAMES R. SHEA, Commissioner

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GEORGE TURMAN, Commissioner

ATTEST:

Madeline L. Cottrill  
Commission Secretary

(SEAL)

NOTE:        You are entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 82-4216, R.C.M. 1947; and Commission Rules of Practice and Procedure, esp. 38-2.2(64)-P2750, ARM.